J 247-92

S. R. S. IX-5]

Previous references.

L.R. 34-75
41-81

1891-92
192
(L.R.)

File No. 216

Serial Nos. 1-8

Later references.

LR 147-93

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-8

Part B for Jany 93.

SUBJECT.

Appeal of Ramiah regarding the shanbhogaship of Haroo and yellenare Village in the Sringeripatna Talukh.

To Ramiah of Haroo Village, Sringeripatna Talukh

1/8 425-743 of 26-1-93. Directs that the order of the Deputy Commissioner for the performance of the duties until Ramiah attains majority will be given effect to.

WD 2233—GPB—20,000—14-6-20

Secretary to Government
Revenue Department

Precis

Revenue appeal no 15 of 1892-93

Ramia
versus
Anantha Ramia

Revenue appeal no 40 of 1892-93

Anantha Ramia 1
Bhageerathamma 2
versus
Ramia

no 882
of 18-3-82

Bhageerathamma wife of Shanbhog Kapineepatha presented a petition to this office that the Shanbhogi of Haralu and yellekere villages in Sreerungapatna Taluk had been in the Enjoyment of her family, that her husband's elder brother Ramabhadria had held the said Shanbhogi office for some time, that he had been afterwards removed from that office for some irregularity said to have been committed by him, that her (Petrs) husband Kapineepatha had been thereupon appointed Shanbhog, that the said Kapineepatha had held the office till his death that Anantha Ramia [redacted] minor son of the said [redacted] patha then succeeded [redacted] father as hereditary [redacted]

his uncle Ramabhadria above named doing the duties as his gumastha, that the said Ramabhadria then misappropriates some govt money for which she (Peta) ~~had been~~ was afterwards obliged to pay to govt about Rs 400, that after the death of Ramabhadria she had appointed a gumastha who had been doing the Shanbhogi duties on behalf of her minor son, that on the death of this minor son Ananthu Rama she adopted another boy also named Ananthu Rama on the 2d November 1881, that at the instance of Parvathamma wife of the above named Ramabhadria the Jamabandi officer had ordered without any enquiry whatever that the karaard should be made out in the name of Rama son of Ramabhadria, and that therefore she prayed that the karaard might be ordered to be made out in the name of her adopted son Ananthu Rama.

The Deputy Commissioner was thereupon directed to report whether the office could be continued to the above [redacted] for life, the reversion not passing after her

death to the Son of the dismissed Shanbhog (Ramabhadria), the only male heir in the family.

15-7-82

Parvatteemma wife of the said Ramabhadria also presented a petition to this office that her husband Ramabhadria and her brother-in-law Kapineepatia had been undivided brothers that on the death of Kapinee-patia her husband who had no male issue then, got the varavard made out in the name of Ananta Rama Son of Kapineepatia, and had been himself doing the duties, that subsequently a Son ~~had been~~ was born to her husband Ramabhadria that before he could get the varavard made out in the name of this Son Rama her husband ~~had been dead~~ died, that the adoption alleged to have been made by Bhagee-rathamma was false and that therefore the varavard might stand in the name of Rama her Son.

X 2-8-82

The Deputy Commissioner Submitted his Report in which he says:

"it would appear that Kapineepatia and his brother Ramabhadria both did the duties of Shanbhog of Hararu, while Varavard stood only in the name of

the former. x x x

Mr Shanmuga Velu Pillay settled the Taluk and decided in favor of Rama the direct heir to the office and ordered that his name should be registered and that Bhagee-rathamma might establish the claims in a competent Court of her adopted son, if so disposed."

Thereupon Proceedings issued from this office, which runs thus:- No 3534/180 dt 14.8.82

"The petitioner's (Bhageerathamma's) son having died, her husband's brother's son a minor who is an undivided huckdar to the office is the rightful heir for the office and his claim has accordingly been properly recognized. Arrange-ments should be made for providing a maintenance allowance to the petitioner for life out of the miraci."

Afterwards there was some correspondence regarding the question of maintenance allowance, reference to in the Proceedings quoted above.

On the ~~5th January~~ 1st May 1883 Bhageerathamma presented a petition to this office that the bar award should be made out either in the name of her adopted son or in her own name, that it was improper

5

to have made out the barabard in the name of the son of her husband's ~~bro~~ divided brother.

The following order was then passed in this Office:

25-6-83

"It appears that the petitioner Ananthia Rania and Ramabhadria were divided and that, after the death of her son petitioner adopted another son. There is no good reason why such adoption should not be recognized for purposes of succession to the Shanbhogship, if it be legal according to Hindu Law. The Sub-Division officer is accordingly requested to send for petitioner and Ramabhadria's widow, and if petitioner's adoption of a son is found valid, to arrange to give to the son of each the Shanbhogship of one of the two villages of Harua and yellekere."

1-11-83

The Sub-Div. officer then submitted the Entire record of the Enquiry held into the ~~claims~~ claims of Bhageerathamma to the Shanbhogi of Hararu.

No 343/13 of 18-4-84

The following order was thereupon passed in this Office:

" x x

Ramabhadria was during

his life guilty of mis-appro-priation of public money entrusted to him in his capacity of Shanbhogue and Bhageerathamma made good the amount to Government. As Ramabhadria and his minor nephew the late Ananthe Rama were divided in interest the former could not be held to have had any strictly legal claim to the Shanbhogship which fell vacant by the death of the latter. Moreover his own misconduct was of such grave nature as should, under ordinary circumstances, exclude both himself and his son Rama from the office. × × ×

The Dewan is of opinion that Ananthe Rama was really adopted by Bhageerathamma The Sub-Divn. officer holds the adoption invalid on the ground that there was no satisfactory evidence of the widow's authority to adopt. But whether the adoption is valid or not, is not a question which should be allowed to affect the decision of Government as regards the Shanbhogueship under dispute, for, whether as the adopted son or a mere nominee of the widow Bhageerathamma

Ananthakamia should in the opinion of the Dewan be recognized as the kuck-dar shanbhogue. But as Ramia has already been registered as the shanbhogue if is ~~not~~ desirable not to deprive him of it as regards both the villages. The Dewan accordingly directs that the shanbhogship of one of the villages be registered in the name of Bhageerathamma's adopted son Ananthakamia and that of the other village in the name of Ramia. During the minority of these boys their respective guardians will appoint proper officiators to be approved by the Sub Divn. Officer for the discharge of the duties of the office."

29-4-84 The Sub Divn. officer thereupon ordered the Amildar of Seeringapatna to submit a report as to which of the two ~~villages~~ villages each of the minors should get and as to who should be appointed as their guardians.

26-10-85 The Amildar submitted a report that the Haranahalli Hobli had two villages attached to it, that one of these villages Haranahalli had a jamabundi of Rs 4367 and another village called Kere had a jamabundi of Rs 748, that Bhageerathamma

wanted the larger village Haralu for her son Ananthu Ramia and Parvathemma also wanted the same village for her son Ramia, that the Shanbhogueship of the two villages could not, in his opinion, be conveniently divided in any other manner than by giving the Shanbhogueship of yellekere with the monthly emolument of Rs 2-3-0 to Ananthu Ramia son of Bhageerathemma and that of Haralu Kusba village without the above emolument to Ramia son of Ramabhadria, that Bhageerathemma requested that one Para Shikachar might be appointed gumastha on behalf of her minor son Ananthu Ramia that Parvathemma requested that her brother Kristappa might be appointed gumastha on behalf of her minor son Ramia.

The Sub-Divn officer then ordered the Amildar to report as to what amount of security each of the gumasthas was prepared to give and as to whether the parties had agreed to the arrangement proposed by him.

× No 431 of 7.11.85

After some correspondence between the Amildar and the Sub-Divn officer the former submitted a report

× 10.12.86

9

to the latter that both
Bhageerathamma and
Parvathemma had agreed
to his arrangement, that
Bhageerathamma had given
a deposition that Krishnappa
Shanbhog of Seethapur Firka
might be appointed gumastha
on behalf of her minor son,
that the said Krishnappa
had agreed to give as security
a wet land (Extent 0-19-12)
he had purchased for Rs 400,
that he might therefore be
appointed gumastha to do
the Shanbhogi duties of
yellekere village, that
Parvathemma had given
a deposition that her brother
named Krishnappa might
be appointed gumastha on
behalf of her minor son,
that the said Krishnappa
was unable to furnish
adequate security and that
in his opinion the Shan-
-bhogi duties of such an
important village as Harave
might not be entrusted to
him.

20-12-86

The Sub-Division
Officer thereupon ordered
that as the Dewan's orders
had mentioned that Ananta
Rama adopted son of
Bhageerathamma was the
principal hukdar to the
Shanbhogi office, the
Shanbhogi of Haravu

village should be registered in the name of the said Ananthakamia, that the Shanbhogi of yellekere village should be registered in the name of Kamia son of Parvathamma, that Bhageerathamma and Parvathamma should each produce a proper gumastha before the 8th January 1887.

A

The Amildar reported× that Bhageerathamma and Krishnappa Shanbag of Seethapur had both appeared before him, that both these had agreed to the arrangement that the said Krishnappa should do the Shanbhogi duties of Haranu village as gumastha and to give as security some wet lands in their Enjoyment having an Extent of 4-4-1½.

× 7-1-87

The Sub-Div. Officer thereupon ordered that if the security furnished by Bhageerathamma and her gumastha was sufficient, a muchalika might be taken.

10-1-87

A muchalika was accordingly executed.

5-3-87

On the 11th April 1887 the Amildar reported that the monthly Emoluments attached to the Shanbhogi office of both the villages ~~was~~ were Rs 2-3-0 and solicited orders as to

hin the Emoluments should be divided between the two Shanbhogs.

The Sub-Divn officer ordered that the Emoluments should be divided into two shares and that each of the Shanbhogs should be given a share.

No 51
14-6-87

On the 17th January 1891 Parvathamma mother of Ramia presented a petition to the Amildar of Sreerangapatna, that Ananthe Ramia adopted Son of Bhageerathamma had no right to the Shanbhogi at all, that the alleged adoption of the said Ananthe Ramia was declared invalid by the Civil Courts, that the Shanbhogi of yellekere would not afford sufficient means of maintenance for her and her minor son Ramia and that the Shanbhogi of Haravu also might be given to her son Ramia.

x
Vide A. No 110 of 1887
Mysore Sub-Registrars

A

19-5-91

In the English memo which the Amildar of Sreerangapatna submitted to the Sub-Divn officer he says:-

"Ramia son of Ramabhadra filed four Civil Suits against Bhageerathamma Ananthe Ramia and others for the reversionary right of lands. All the cases were decided in favor of Ramia both in original and appeal Courts and also both the Courts declared the alleged adoption of

Anantha Kamia to be invalid.

8 Both the villages having been made as one scale in Potgi Register with an annual remuneration of Rs 8C, only one Shanbhog is to be retained for both villages according to the Survey scale.

× ×

10 Although these (Civil Court) decrees do not affect the right of Shanbhog as the subject was not in question before that Court, yet the grounds therein set forth will be the best basis for the decision of the Revenue Court."

The Sub. Divn officer then ordered* that since both the villages had been brought under one scale in the Potgi Register and as the Civil Court decrees favoured the claims of Kamia, the said Kamia might be treated as the Shanbhog of both the villages and Ananthakamia might merely be treated as Honorary Shanbhogue.

Bhagiratthamma and her adopted son Anantha Kamia then appealed against this order to the Deputy Comnr.

The Deputy Comnr in his order dated the 13th

* No 514 15.10.91

April 1892 says:-

" It is true that the appellant's adoption by Bhageerathamma has been pronounced invalid by a Civil Court. But as found in the Dewan's Proceedings the right to the Shanbhogi appointment does not turn upon that question. Though Respondent's father Ramabhadria and Bhageerathamma's husband Kapineepathia were undivided brothers, the Shanbhogship was registered in the name of the latter. The former had taken up other work and returned for the discharge of the duties of Shanbhogue only as Kapineepathia's guardian and again as guardian of his son since deceased. Bhageerathamma has also paid to Govt. the amount embezzled by Ramabhadria. x x

Thus the claims preponderate in favor of Bhageerathamma and her nominee (appellant). The only circumstance which deserves consideration on the other side is that the Respt. minor Ramia is the only male descendant of the family. x x

I would accordingly order

that both appellant Anantha Rama and Respondent Rama be declared kuck-dar Shanbhogues that each of them should alternately perform the duties for a year and that the Potgi be equally divided between them and that till they attain majority and are able to discharge their duties a gumastha may be appointed by Govt common to both of them. x x"

Rama has now appealed to this office against the above order on the ground that the adoption of Ananthe Rama has been pronounced to be invalid and has therefore no status in the appellants' family and he cannot as a perfect stranger share the kuckdari shanbhogueship.

R. a no 18 of 1892-93

9.5.92

Anantha Rama and Bhageeratamma have also appealed against the above order.

R. a no 40 of 1892-93

28.5.92

They allege:

That the Dy Commrs was wrong in finding that the parties were undivided.

That the Dy Comrs decision

Mysore

Cross Appeals.

A.S. no: 18 of 1892-93

Appellant-	Respondt:
Ramaiya son of Rama-chandraiya of Havaravo Seringapatam Taluk by his Mother Parvathamma.	Ananthaiya-ramaiya under the protection of B. Lapiti-thamma

X

A.S. no: 40 of 1892-93

Appellant-	Respt.
1. Bhagirthamma. Widow of Kapani-pathaiya.	Ramaiya
2. Ananthaiya-ramaiya adopted son of no: 1.	

of Havaravo Seringapatam Tk:

Kapanipathaiya & Rama-chandraiya were undivided brothers.

As per register of 1863 &
1867-68 Rāghavendrayya
was the Shanbhog
of the two villages, Kerawoo
& Yellekere. He died
about the year 1875
leaving a son by name
Ananthāramayya, aged 2
years, & a widow - Bha-
girthamma. The Bara-
-bard was registered in
the name of his son
Ananthāramayya, his
uncle Ramachandrayya
doing the duties. Rama-
-chandrayya also died about
the year 1879 leaving
a minor son named
Ramayya & a widow
by name Sīrumthamma.
In 1879 Ananthāramayya
filed a suit against Ramachandrayya
Ramayya & obtained
possession. Ananthā-
-ramayya died in 1881
and his mother Bhagī-
-thamma adopted another
boy also named Ananthā-
-ramayya (Report in
A. S. No. 18).

On the death of Rama-
-chandrayya

15

The Khambhaliya Jetpur Railway
in 1882 in the name
of his son Ramanuja
(Appt. in A.S. No. 18).
Bhagu Khima has appealed
on behalf of his son (minor)
Ananthanuja. and
in Cho: dated 18th April 1884.
No: 343
13 the decree
Ordered that Ananthan-
uja (Appt. in A.S.
No. 18) should be recognised
as the Hakdar Khambhal-
but as Ramanuja had
already been registered as
Khambhal, the Khambhaliya
of one of the villages
be registered in the name
of Bhagu Khima as adopted
son Ananthanuja,
and that the villages
in the name of Ramanuja.
Accordingly in 1886
the village of Pasoo
was registered in the name
of Ananthanuja and
Vallabhdas in that of
Ramanuja.

19

Sadasiva Ramanja died Anantha-
Ramanja - Bhagavathamma
& others for ~~the~~ Government
right of certain Land
and obtained decree
in his favor, the original
& the appellate courts
declaring that the alleged
adoption of Anantharamanja
by Bhagavathamma was
invalid.

During the Faslis
Potigi settlement the
two villages above referred
to were made up
one Shanbhogi charge
with a remuneration
of Rs 80/- per annum.

In 1891 Bhagavathamma
on behalf of Ramanja
claimed the Shanbhogi
of the two villages also
in as much as the
adoption had been
declared invalid by
the Civil Courts. The
Sub-Collector decided
that Ramanja be
recorded as
Shanbhog

& without Collection
as

of both the villages and
that Ananthacharya
as Honorary Shanbhog.
The Dysons on appeal
by Bhagirathamma ordered
that both Ananthacha-
rya & Ramaiya
should be declared
as Hakdar Shanbhogs,
that each of them should
alternately perform the
duties for a year &
that the Police be equally
divided between them;
a Peon to be
appointed by Govt.
Common to both of them
for the performance of
the duties until the
minors attained majority.

The appeals are
against the above
Order. Dated 13th April 92.

Ramaiya Contends

23

Hearing 1st Dec 1892
Question to
Both parties
10/10/92

Adjourned to 19th Jan.
1893. Next
15/12/92

22

in his own Handwriting
charge.

The Pro: of the Decree
proved above contain
the reasons for
respecting Maudar-
ranaja as his
Father Ramboly.

Ramabhadraja
his Duty of Magis-
propriation of public
Money in his Capacity
Ker Ramboly &
Khapri Ramma
made good his amount

Ramabhadraja
his
Late Maudarranaja
bore Dividend in
interest

21

Under — As subsequent to the Amendment of the Act the Courts in a number of cases have held that the Act does not apply to Hindus governed by the Mitakshara Law and that the Courts are competent to pass decrees for partition of joint family property — this decision is contrary to the Hindu Law as administered in Mithila and other parts of Bihar and the Courts in Bengal and Bombay. The Act was passed with the express object of overruling these decisions and the Committee are of opinion that the Act should be extended to Mithila and other parts of Bihar governed by the Mitakshara Law.

Mr. Ananthanarayanayya has no statement in his Civil Courts have declared the adoption to be invalid.

Mr. Ananthanarayanayya represents that the Hindus have brought the finding that the properties are undivided & shall by allowing half a share to Ramayya sufficient will not be left for maintenance.

The grounds on which the Hindus have the order appealed against are

1. Exclusion of the only male descendant of the family

2 Since each of the parties had a village, each of them would be given half a share

Vol
No.
2 Rupees Stamp
4 Sns. 18 Pies
9/5/92

MYSORE GOVERNMENT
PETITION DEPARTMENT
REGD. NO. 425 R
DATE 9-5-92

In the Court of H. H. the Maharaja of Mysore
Bangalore.

Appellant:
Ramayya son of Ramabhadrayya residing at Harave, Venkatachalam Palaya, in his mother and next friend Parvatamma

Respondent:
Anantharamayya minor under the protection of Bhaskerathamma at Harave, Venkatachalam Palaya.

The appellant begs to state as follows:-

(1) The appellant's father Ramabhadrayya and one Kashinathaiah were undivided brothers. The former died about 13 years ago, leaving behind him the appellant & his mother & the latter predeceased the former leaving his son Anantharamayya & widow Bhaskeramma.

(2) The appellant's family owned a Shanbhogue-ship of 2 villages viz Harave and Yellatur which have been amalgamated into one in favour of the Police during the present Survey Settlement.

(3) The appellant's paternal uncle Kashinathaiah was the Baramanadar Shanbhogue of those villages till his death, after the demise of Kashinathaiah his son Anantharamayya, who was then a minor, was recognized as Shanbhogue

and the appellant to give his courtesy after the word. The said Vayaravanar Arunachalamaya died in the year 1881 a minor, & the appellant the sole surviving male member of the family was recognized as Dharmakarta and his name was entered in the Varavali. (vide the order of the Court dated 18th August 1882).

(4) In 1885 Vayaravanar under whose protection the respondent now lives, petitioned the authorities to cancel the Dharmakartaship, on her adopted son Arunachalamaya the respondent, which application was not then in question in any judicial tribunal. Finally the Court ordered the respondent to be the Varavadar of one village and the appellant of another village, however giving expression to an opinion that that order was not conclusive as to any right of the parties which may be decided in a Civil court.

(5) In the year 1886, the appellant brought a suit in Case no: 305 on the file of the Court of First Instance to set aside the adoption of the respondent on the ground of its being unauthorized and made fraudulently by Vayaravanar

to

[redacted] right of
succession. The adoption was then declared
invalid and this decision was
upheld in appeal preferred by the
respondent (vide judgments of the
Munsiff & subordinate Judge).

(6) On a petition presented by the
appellant to the sub division officer,
setting forth the above facts, the appellant
was ordered to be the recognized
Shanbhogue of both villages & the
respondent was to be only the Assis-
tant Shanbhogue.

(7) On an appeal preferred by the
respondent to the Deputy Commissioner
of Mysore, the order of the sub division
officer was reversed and the
appellant & respondent were
both considered to be entitled to
equal shares of the Fodder amount,
and an order was accordingly
passed (vide the order annexed
herewith). Hence this appeal.

(8) The respondent's adoption having
been pronounced to be invalid,
he has no status in the appellant's
family, and could not as a
perfect stranger, share the Hugdari
Shanbhogueship

Humbly prays that the Appellant to justify

(4) The appeal herein be

that the order of the Deputy Comm.

be reversed and the appellant

be declared as the sole Municipal

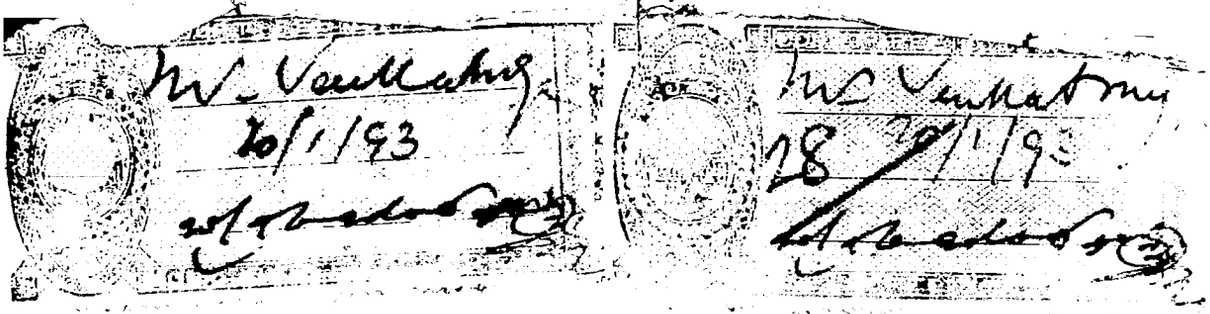
of Harrow and Wealdstone.

And he will ever pray

Your most obedient and

humble servant.

9-5-22



Two Rupees

ಕೋರ್ಟ್ ಫೀ

1893 ಕ್ಕೆ

ನೇ ಇಸವಿ ಕೋರ್ಟ್ — ನಂಬರ್ 18

ಪ್ರತಿವಾದಿ.

ಕೋರ್ಟ್ ಗೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನಪರವಾಗಿ ಕೋರ್ಟ್‌ಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿನಗ್ಯೆರೆ ಕೊಟ್ಟು, ನಿವಾದಿಸಿ ಪ್ಲೈಸಕ್ ಹೊಂದತಕ್ಕ ಬಗುಸ್ಸು, ಮತ್ತು ನನಗೆವಳ್ಳತಕ್ಕ ತಿಕಣಿಸೊಬಲಗು ದಸ್ತೈವಜು ವಗ್ಯೆರೆ ತೆಗದು ಕೊಂಡು ರಶೀದಿಕೊಡುವದಕ್ಕೂ ಸಹಾ ತನುಗೆಅಧಿಕಾರಕೊಟ್ಟಿದ್ದೇನೆ; ಆದ್ದರಿಂದ ತಾವು ನನಗೋಸ್ಕರ ಆ ಕೋರ್ಟ್‌ಗೆಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾಕೆಲಸಗಳನ್ನು ನಾನು ಮುನ್ನ ಇದ್ದ ನಡಿಸಿದಂತೆಆಪ್ಪುತ್ತೇನೆ.

ಮತ್ತು ಕೋರ್ಟ್‌ಗೆ ನೀವು ಕೊಟ್ಟ ಭತ್ತಾ ಶಿಲ್ಕು ತೆಗದುಕೊಳ್ಳಲದಕ್ಕೂ ಸಹಾ ನಿಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ.

ತಾರೀಖು 30 ನೇ
ನೇ ಇಸವಿ

ರುಜು.

ಅಂಗೀಕರಿಸಿದ್ದೇನೆ.

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆಪರಿಚಯಸ್ಥರು ನನ್ನ ಸಮಕ್ಷಮದಲ್ಲಿ ಇದಕ್ಕೆ ರುಜುಮಾಡಿ ಇದ್ದಾರೆ, ಆದ್ದರಿಂದ ನಾನು ಸರಟಿಸ್ಯೆ ಮಾಡಿದ್ದೇನೆ.

Printed by T. Raghava Char, Tholasee Thottum, Bangalore.

A.S. 20140
92-93

743 R
7-6-92

28/5/92

30-1-93

28/5/92

Chief

(1) Affidavit in time.

(2) Stamps

(3) Copies

Call for Proc. R/O. 4/2 11/6/92

ਪੰਜਾਬ ਸਰਕਾਰ ਸਮਾਜਿਕ ਨਿਆਂ ਅਧਿਕਾਰਤਾ ਅਤੇ ਘੱਟ ਗਿਣਤੀ ਮਾਮਲੇ ਵਿਭਾਗ

ਨੋਟੀਫਿਕੇਸ਼ਨ

ਚੰਡੀਗੜ੍ਹ, ਮਿਤੀ 15 ਜੁਲਾਈ 2014

ਨੰ. 1/1/2014-3ਐਸ.ਸੀ.ਬੀ.ਸੀ./2014

[illegible]

[illegible]

[illegible]

32

No 92 Encl 1 annexed.

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

From the asst. No. 298 of 1892

The accompanying Petition No. 425
dated 9th June 1892 received at the
Dewan's Office from Ramappa, son of
Ramachandriah, Varavara
Srinivasachariar Palicat, by his
mother & next friend Parvathamma
praying that he may be declared
as the sole Archaka of Varava-
Jyella Kere
is forwarded, together with its five
enclosures, to the Deputy Commr
Tiptur for an Enquiry
& Report and a Report on the
facts of the case from the Amildar
stated in the petition

By Order,

Drafted

17/6

Chief Secretary.

BANGALORE,
18 June 1892

No 124 R

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MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 743,
dated 25th May 1892 received at the
Dewan's Office from Bhagee Thimma
and her adopted son Ananthe
inhabitants of Hanavar village,
Sirsi Sub-division, Kanara District,
the Shanbhogaru's wife of Hanavar
and 4 others, Sirsi Sub-division
is forwarded, together with its six
enclosures, to the Deputy Commissioner
Mysore District for submission
of Proceedings with particulars
of the facts of the case and
on the points taken in the
petition.

2. The petition should be
returned.

From file same No. 295 of 12/5/1892

By Order,

Dft a/l

Chief Secretary.

BANGALORE,
11th June 1892.

78.

M.R

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Pcln Pr Note 2/7/92

14

(General Serial No. 20)

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OFFICE OF THE
3832
2 JUL. 8
P. 38
DEWAN OF MYSORE

189

From

To

Dated 29

Despatched 30 /1892.

Received 1 Memorandum Bill + 6 enclosures

Enclosures No.

General No. 278
No.

Memorandum to Mr Connell with memo thereon

A1
2.7.92

above, has the honor to submit here-
-with the vernacular proceedings
bearing on the subject, and to state
that the English Precis and the order
on appeal passed by the Undersigned in
the case which are contained in the file
will explain the facts of the case.

The 6 enclosures received with his
official memo N. 124 are herewith re-
-turned, and the enclosure received with
N. 92 will be submitted on receipt
from the French Rocks Sub Division
Officer, who has been asked to return the
same by next post.

C Hamilton
Forestry Commissioner
Mysore.

Copied
WM

Precis of correspondence in connection with the Chan-
hogueship of Karaveo and
Yelakiré villages between
Kajanipatthiah and
Ramalchadria.

Kajanipatthiah and Rama-
bhadriah were undivided
brothers. The former
was the Shanbhogue of
Karaveo and Yelakiré
villages as will be seen
in the registers of 1863 and
1867-68. Since the death
of Kajanipathia the name
of his son Anantharamiah
registered & Ramabhadriah was
was discharging the duties
during the minority of
that Anantharamiah.
Owing to some dispute
between Anantharamiah
and Ramabhadriah's family

P.T.O.

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the former filed a suit in 1879 against the son of the latter for partition and obtained a share and also the other share in satisfaction of the court cost.

2. After this the deceased holder Ananthanaiah died in 188[illegible] and then his mother Bhageerthamma adopted a son by the same name Ananthanaiah

3. On the death of Ramalinga-diah his son (Ramiah) name was registered, it seems, in 1882.

4. The matter of Shanbhogue-ship was enquired into in the Revenue Depart-ment and the decision was in favor of Ramiah. On appeal made by Bhageerthamma adopting mother

matter of Anantharamiah,
decision was obtained
in favour of both (Vide
Dewani Proceedings No. 343/13
dated 15th April 1884.
5. In this the subject
of the validity of the
adoption was reserved
for the decision of
Civil Court. The
Proceedings declared
that Anantharamiah
should be recognized
as the Yahdar on the
grounds.-
(1st). That Ramabhadriah
and Anantarama were
divided in interests
and therefore the
former could not
be held to be a legal
claimant;
2nd Ramabhadriah
had misappropriated
Govt

Government money during
his duty and 3rd:
that Bhageerthan ma
made good the amount
to Government. But
as Ramiah has already
been registered as
Shanbhogue, the Sarvan
has directed, not to
deprive Ramiah of it
as regards both villages
and to register one
village in the name of
Shantharamiah, adopted
son of Bhageerthamma,
and the other in the
name of Ramiah son of
Ramabhadriah.

6. According to this
decision village called
Haroo was registered
in the name of Shantha
Ramiah, and Belakere

in

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in that of Ramiah, as per Sub Division officer's order No. 749 dated 28th December 1886, and the jay was divided between them as per order No. 5 of 4th April 1887.

7. Ramiah son of Ramabhadriah filed a civil suit against Bhageerthamma, Ananthamma and 2 others for the reversionally right of lands. All the cases were decided in favor of Ramiah both in orgl. and appeal courts and also both the courts declared the alleged adoption of Ananthamma to be invalid.

8. Both the villages having been made

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as one scale in Kalyani registers with an annual remuneration of Rs. 80/- only. One Shanbhogue is to be retained for both villages according to the survey scale.

9. Ramiah now urges to register his name for both villages on the ground that both the alienation of lands and adoption made by Bhagirathamma were annulled from the decrees of the Civil Court.

10. Although those decrees do not affect the right of Shanbhogue as the subject was not in question before that court. Yet the grounds

grounds therein set forth will be the best basis for the decision of the Revenue Courts.

11. The question now for decision is, whose name is to be retained in the register as Shanbhague of both villages. If the decision of the Civil Court can be adduced, Ramiah's name is to be registered as Shanbhague of both villages.

Order is therefore solicited on the subject.

Sd/ B. Lakshminarayaniah
Amildar

19th May 1871.

Approved

Sd/ [illegible]
Deputy Commissioner
Bijapore District

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Mr Council
The Council
Both Mr Council
& Secy
6/9/92

(General Serial No. 30.)

1892. 387.

From The Deputy Commissioner Mysore District

To The Chief Secretary to the Government of Mysore Bangalore

Dated 5th July 1892

Despatched

Received

Enclosures No. 5 & 1 W

General No. 326

No.

In Continuation of this office docket No 295 dated 29th ult^o Ultimo ~~Instant~~ has the honor to submit the petition of Ramiah son of Ramabhadriah of Harvoor Serengapatam Taluk with its enclosures received with the Sub Division office No. 236 dated 2nd Instant.

Deputy Commissioner.
Mysore District

Confd^d
Tilli

MM

Peta Br. Date 11/7/92

× No 295 dt 29.6.92 from Dy. Com Mysore, recd. by Peshkar Branch on the 5th inst, & rectd by Genl Section 5.7.92. 14/7

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Before the Government of *His Highness* the Maharaja of Mysore.

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AS.

~~Case~~ Appeal No. 18 of 1892-93

Appellant.

Ramaiya (minor) son of Ramachandraiah of Harave, Srirangapatana Taluk, Mysore District by his mother Parvathamma

Vs.

Respondent.

Anantharamaiah (minor) under the protection of Bhagirathamma

Appeal suit No 40 of 1892-93

~~Decision.~~

Bhagirathamma widow of Kapanipathiah

Anantharamaiah adopted son of No 1 of Harave, Srirangapatana Taluk, Mysore District.

~~14~~

Ramaiah (minor) son of Rama-chandraiya by his mother Parvathamma

Decision 19-1-93

Kapanipathiah and Rama Chandraiah were undivided brothers. In their registers of 1866 and 1867-68 Kapanipathiah was the Shanbogue of the two villages, Harave and Yelleekere. He died about the year 1875 leaving a son by name Anantaramaiah, aged 2 years, and a widow, Bhagirathammah. The Patta was registered in the name of the son Anantharamaiah, his uncle

-bhadriah during the latter. Ramabhadriah also died about the year 1875 leaving a minor son named Ramiah and a widow by name Perrakkamma In 1879 Arunachalamiah filed a suit against Ramabhadriah and obtained partition. Arunachalamiah died in 1881 and his mother Bhagirathammah adopted another boy - also named Ramia - Ramiah (Respondent in A.S. No 13)

2 On the death of Ramabhadriah the Shanbogui was registered in 1882 in the name of his son Ramiah (Appellant in A.S. No 13). Bhagirathammah appeared on behalf of her son (adopted) Arunachala Ramiah and in Proceedings dated 18th April 1881 No $\frac{343}{13}$ the Dewan ordered that Arunachalamiah (Respt in A.S. No 13) should be recognised as the Archidar Shanbogue, but as Ramiah had already been registered as Shanbogue, the Shanbogueship of one of the villages should be registered in the name of Bhagirathammah adopted son Arunachalamiah and that of the

(1) Mer village in the name of Ramiah. Accordingly in 1886 the village of Naravoo was registered in the name of Arunachalam and Yelleliere in lieu of Ramiah. Subsequently Ramiah and Arunachalam, Bhagirathammah and others for possession of certain lands and obtained decrees in his favour, the original and the Appellate Courts declaring that the alleged adoption of Arunachalam by Bhagirathammah was invalid.

3. During the Salivia Puja settlement which took place about the year 1888 the two villages above referred to were made into one Mirasi charge with a remuneration of Rs 20 per annum.

4. In 1891 Parvathammah on behalf of Ramiah claimed the Mirasi of the Naravoo village also in as much as the adoption had been declared invalid by the Civil Courts. The Sub. Dy Asst Collr decided on 15-10-91 that

Ramaiah be treated as Mandagar of both the villages and Anantharamaiah as Honorary Shanbagar. Revenue Commissioner's appeal by Bhagavathamma ordered on 3-4-32 that both Anantharamaiah and Ramaiah should be declared as Hereditary Shanbagars, that each of them should alternately perform the duties for a year and that the Police be equally divided between them, a punnasta being deputed by Govt. common to both of them, for the performance of the duties until the minors attained majority.

5. The appeals are against the above order of 13th April 1932.

6 Ramaiah contends that Anantharamaiah has no status as the Civil Courts have declared the adoption to be invalid.

7. Anantharamaiah represents that the Appellate Commr. was wrong in finding that the parties are

undivided, and that by allowing half a share to Ramiah sufficient will not be left for maintenance.

8 As subsequent to the proceedings of the Dewan 2 8th April 1821 there was a regular Civil suit between the parties and it was held by the (Chief) County that the adoption of Annatharamiah was invalid, it is impossible to recognise his right to the office of Shanbogue, but the mere fact that that adoption is invalid does not deprive Bhagirathammah of her right to the lands appertaining to the village of Hennur. The most equitable arrangement under all the circumstances detailed in the Dewan's Proceedings above quoted would be to register the name of Bhagirathammah as holder in the place of the alleged adopted son. As Bhagirathammah is a female incapable of performing the duties of Shanbogue and Ramiah is by reason of minority similarly

incapacitated, the order of the Dy. Commissioner, for the appointment of a complaint Jamadar common to both of them, for the performance of the duties until Ramiah attains majority, will be given effect to; and after deducting the pay of the Jamadar, the surplus emoluments will be divided between Bhagirathamma & Ramiah in proportion to the Revenue of the villages of which they are holders, respectively.

"By order"

Chief Secy.

130 40 26/1/93
Pol. 24/1-92 31/1/93

Copy to the Deputy Commr. Bellary. Dated with the proceedings received with his No. 223 of 23rd June/92.

"By order"

Chief Secretary

Redraft

Bellary

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has deprived them of
their means of livelihood
by allowing half share
to Ramia.

BCh

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of both the villages and
that Ananthen Kannaya
as honorary Shanbhog.
The Depts on appeal
by Bhagirathamma ordered
on that both Ananthaya-
naya & Ramanaya
should be declared
as Hakdar Shanbhogs,
that each of them should
alternately perform the
duties for a year &
that the Police be equally
divided between them,
a Sumanta being
appointed by Govt.
Common to both of them
for the performance of
the duties until the
minors attained majority.

The appeals are
against the above
Order. Ordered 13th April 92.

Ramanaya Contends

(Draft for approval)

No. 425-743-

30-1-93

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
26 January 1893.
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Endorsement granted to Ramiah Son of Ramabhadria of aravu Sreerungapatna Taluk by his mother Parvatha in reply to his appl. Petition Registered No. 425/18 dated 9-5-92

Petitioner is informed that under all the circumstances of the case the name of Bhageerathamma has been ordered to be registered as hukoo in the place of her alleged adopted Son Ram Ramia. As Bhageerathamma and Ramia are — the former being a female and the latter a minor — incapable of performing the duties, the order of the Deputy Commissio for the appointment of a competent gumastha common to both of them for t performance of the duties until Ramia attains majority will be given effect to; and after deducting the pay of the gumas the surplus emoluments will be divided between Bhageerathamma and Ramia in proportion to the Revenue of the villa of which they are hukoars respectively.

The enclosures are returned.

"By Order,"

Chief Secretar

Mysore Govt. Central Press, Bangalore.—5-7-92—